IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3486 OF 2004

Maharashtra State Road Transport Corporation ... Petitioner

V/s.

Shri Mustaq Abdul Razak Shaikh ... Respondent

Mr.G.S Hegde for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 2, 2004**

P.C.:

. The Labour Court has held that the complainant, that is respondent herein, is entitled to reinstatement with continuity of service and 50% backwages from the date of the dismissal of his services. This order has been confirmed by the Industrial Court in revision. The allegation against the respondent is that he had committed theft of copper coils. The Labour Court has found that the misconduct has not been proved by the Petitioner. That being so, the Labour Court has directed the Petitioner to reinstate the respondent. The Labour Court in fact has reduced the backwages, although it could have awarded full backwages, because of the contention raised on behalf of the Petitioner that it lacked funds to pay the full backwages.

2. The Industrial Court has concurred with the finding of the facts recorded by the Labour Court and has drawn the same conclusion.

3. I see no reason to differ from the concurrent findings of both the Courts below. Petition rejected.